

FARMINGTON CITY COUNCIL MEETING

Tuesday, May 16, 2006

CITY COUNCIL WORK SESSION/EAST CONFERENCE ROOM

PRESENT: Mayor Scott C. Harbertson, Council Members Richard Dutson, David Hale, Larry W. Haugen, Paula A. Alder, Sidney C. Young, and City Manager Max Forbush.

The City Council held a Budget Session from 4:00 P.M. until 6:50 P.M. Keith Johnson, Finance Director and Max Forbush finished reviewing the City Enterprise budgets (water, sewer, garbage, storm sewer, ambulance and Leisure Services). The Debt Service funds were also reviewed.

REGULAR CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER

PRESENT: Mayor Scott C. Harbertson, Council Members Richard Dutson, David Hale, Larry W. Haugen, Paula A. Alder, Sidney C. Young, City Manager Max Forbush, City Recorder Margy Lomax, and Recording Secretary Jill Hedberg.

Mayor Harbertson called the meeting to order at 7:00 P.M. **David Hale** offered the invocation. The Pledge of Allegiance was led by **Larry Haugen**.

APPROVAL OF MINUTES OF PREVIOUS MEETING

David Hale moved to approve the minutes of the May 3, 2006, City Council Meeting. **Sid Young** seconded the motion with changes as noted. The voting was unanimous in the affirmative. **Larry Haugen** abstained due to his absence at the previous meeting.

Sid Young moved to approve the minutes of the May 4, 2006, Special City Council Meeting. **David Hale** seconded the motion. The voting was unanimous in the affirmative.

REPORT OF PLANNING COMMISSION (Agenda Item #3)

Planning Commission Chairman, Jim Talbot, reported proceedings of the Planning Commission meeting held May 11, 2006. He covered the following items:

- The Planning Commission tabled consideration of Rice Farms LLC's request for a recommendation regarding an alternative plan to the approved Final (PUD) Master Plan for the Rice Farms Estates PUD, until it can be demonstrated as to what extent the proposed encroachments to the wetlands will compromise the integrity of the wetlands area.
- The Planning Commission recommended that the City Council rezone all property below the elevation of 4218 feet above sea level AA pursuant to paragraph 2 of the Development Agreement or upon recordation of the last phase of the project.

- The Planning Commission continued consideration of Farmington City's request for a recommendation regarding a proposal to amend the General (or Future) Land Use Plan Map regarding property in the general vicinity of north Main Street, south Mountain Road, Northridge Road, and U.S. 89 from "Public/Private Recreation Open Space and/or Parks Very Low Density" and "Low Density Residential" to "Office/Business Park", in order to consider decreasing the minimum acreage requirement so the zone will better accommodate other properties within the City.
- The Planning Commission reviewed the draft Professional Office Zone text.

David Hale said Dave Dixon recommended that the building height in the proposed new Professional Office Zone text be increased to 35' from 30' to accommodate pitched roofs.

The City Council discussed the Planning Commission's recommendation that the minimum acreage requirement be lowered to ½ acre. It was suggested that **David Petersen** research other buildings and zones to help the Council determine what the minimum acreage requirement should be.

Chairman Talbot said the Commission recommended that the minimum zone requirement be less than five acres to accommodate other properties in the City. If a certain property does not meet the text requirements, the developer can apply for a conditional use permit.

- The Planning Commission heard Woodside Homes request for the Cottages at Station Park. Woodside Homes is proposing that the development consist of single family homes on individual lots rather than multi-family housing. The Planning Commission was not opposed to the proposal but would prefer that the developer reduce the number of lots.

CONSIDERATION OF MIKE KILEY REQUEST TO ACQUIRE A PORTION OF STORM WATER DETENTION PROPERTY ADJACENT TO NORTH COMPTON ROAD SOUTH OF POINTE OF VIEW SUBDIVISION, PHASE III (Agenda Item #4)

Max Forbush gave the Council members a copy of a letter he received from Mike Kiley. He also passed out pictures of the area being discussed.

Mayor Harbertson reviewed the applicant's request for the City to vacate and deed a strip of property approximately 30 feet wide on the southern edge of the detention property running from the street to the eastern border. The applicant would like a use permit for the remainder to access plants and maintain the weeds and sprinklers. In return, he would take care of the continuing weed maintenance problem. He also reviewed the items the applicant would like the City to be responsible for, such as maintenance and liability pertaining to the actual

drainage system.

Mayor Harbertson recommended that **Mr. Kiley** being given the same landscaping requirements that were given in the Agreement between **Jay Nersisian** and Farmington City. The price of the raw ground is valued between \$6,000-\$12,000.

Larry Haugen asked what the consequence would be if the applicant does not maintain the property.

Mayor Harbertson said the possibility of default could be addressed in the Agreement. The Agreement should also include enforcement provisions upon the applicant or his successors in the event the applicant sells his property.

Max Forbush said the City will seek the advice of the City Attorney regarding the Agreement. He said **Mr. Kiley's** proposal was considered a few years ago but **Mr. Kiley** did not accept the City's terms.

Mayor Harbertson said if the City deeds the 30' of land, they will benefit by the applicant landscaping and maintaining the property.

Max Forbush said the City was willing to convey land to **Mr. Nersisian** since he was willing to landscape the property which reduced or eliminates a fire hazard. The Council needs to determine whether the return to the City is defensible to the public if the City were to require the same condition of **Mr. Kiley**

Mayor Harbertson displayed an aerial photo of the proposed property and the property that is maintained by the Nersisians.

Council Members Hale and Dutson agreed that the landscaping requirements should be clearly defined in the Agreement.

Sid Young asked how the detention basin receives and releases water. He asked if the basin would be damaged in the event of high flow conditions

Max Forbush said the drainage area is very small. He reported the basin was designed to capture water from the Southerly lots in Point of View, Phase 3 subdivision. It is not designed to collect water from the Forest Service property north of the subdivision. Any storm water flowing from the Forest Service land is to flow directly south to the cul-de-sac on Steven's Circle. It is not designed to flow westerly to the detention basin under discussion.

The City Council agreed the exchange of property for landscaping and maintenance is a fair exchange so long as the landscaping costs are comparable to the price of the property. They

authorized a letter to be sent to **Mr. Kiley** stating that the exchange will be permitted so long as he agrees to landscape the area following a landscape plan that is acceptable to the City. He will also be responsible for maintaining the property, as was required of the Nersisians.

MINUTE MOTION APPROVING BUSINESS OF CONSENT (Agenda Item #5)

David Hale moved that the City Council approve the following items by consent as follows:

- 5-1. Ratification of Construction Bond Agreements previously signed by Mayor Harbertson.
- 5-2. Approval of Agreement with Andrea Opfar to serve as Leisure Services Special events Coordinator and as the City's Youth City Council Director.

Paula Alder seconded the motion, which passed by unanimous vote.

RESOLUTION ADOPTING FARMINGTON TRAILS COMMITTEE BY-LAWS (Agenda Item #6)

Mayor Harbertson said the Trails Committee would like to discuss the By-laws with the City Council prior to their approval.

Motion

David Hale moved that the City Council table consideration of the Farmington Trails Committee By-Law until June 6, 2006, to allow time to discuss the concerns of the City Council and the Trails Committee. **Rick Dutson** seconded the motion, which passed by unanimous vote.

GOVERNING BODY REPORTS (Agenda Item #7)

Mayor Scott C. Harbertson Report

- **Mayor Harbertson** met with EDA Architects regarding the design of the police station and City Hall. EDA will meet with Chief Hansen to discuss his needs. A meeting schedule was created for the project.
- **Mayor Harbertson** met with **Max Forbush, Dick Shipley, and Bob Hasenyager** to discuss the proposed Interpretative area planned south of Glover's Lane, west of 1525 West. The Great Salt Lake Interpretative Trust would like to deliver a presentation to the Council and would also like to take them on a tour of

the Great Salt Lake wetland areas by air boat.

Council Member Sid Young Report

- **Sid Young** recommended that the Professional Office zone text be properly named. He does not like the acronym (PO). Although there are issues that need to be considered, he feels the text is ready to be reviewed by the Planning Commission.
- **Sid Young** attended the League of Cities and Towns Policy Meeting where they discussed future Legislation issues such as LUDMA, annexation, eminent domain, retirement proposals, and the possibility of transferring municipal franchising of cable T.V. to State franchising.

Council Member David Hale Report

- **David Hale** met with **Todd Bradford** (developer of The Steed Place), the City Engineer, the City Attorney, and **David Petersen**. The building lots near the stream were discussed. It was determined that the lots will be reconfigured so they do not encroach on City property.
- **David Hale** attended the Mosquito Abatement meeting. It is anticipated that the West Nile virus will be stronger this year than in years past. He recommended that residents request an additional spray and determine whether they qualify to receive free fish for their ponds to eliminate the mosquito larva.
- **Benchland** sued the City two years ago because a rock retaining wall was located too close to their pipe. Benchland is now being sued and has spent \$50,000 on legal fees. The Attorney said the pipeline will be replaced on both 300 East and 200 South.

Council Member Rick Dutson Report

- **Rick Dutson** attended the Wasatch front Regional Council meeting. It was reported that the State has a good reservoir supply; the spillways are releasing water; and they are cautious yet optimistic that flooding will not be a problem. Water conservancy should still be promoted even though there is an abundant water supply.
- **Rick Dutson** attended the Miss Farmington Pageant and commended the Mayor on his role as the M.C.

- **Rick Dutson** attended the Relay for Life meeting. Approximately 95% of the contributions received will go to the American Cancer Society. The next meeting will be held at the Leisure Services building on June 8, 2006, at 6:00 P.M.

Council Member Paula Alder Report

- **Paula Alder** attended the Youth City Council meeting. The proposal for the old K-mart site was discussed.
- **Paula Alder** volunteered to send letters of appreciation to those who contributed to the Miss Farmington Pageant. She also offered to contact Tammy Boyce to schedule a time for the Council to recognize her for her service.
- **Paula Alder** also attended the Mother of the Year luncheon.

The Council agreed to recognize Dr. Marsden for his service.

MISCELLANEOUS

Mayor Harbertson invited the Council Members to go golfing on May 19, 2006.

Quail Cove Detention Basin Maintenance Concerns of Neighbors

Mayor Harbertson passed out a copy of an e-mail he received from Aaron and Lorraine Thatcher. He explained that the City removed the grass from the retention basin in Quail Cove and replaced it with gravel so it could be more easily maintained. The Thatchers are concerned that since that time, there have been issues with mosquitoes, puddles, and the rocks washing away. They feel the basin is an “eyesore” and requested that the Council consider replacing the grass so the retention basin doubles as a park.

Max Forbush said the basin was altered because **Walt Hokansen** was concerned about the increasing level of maintenance of the green spaces. He was also concerned that residents would expect detention basins to be manicured. He recommended that the Council allow the Public Works department to comment on the issue prior to them making a decision.

Mayor Harbertson said he would meet with the residents in the area and explain the history of the basin to them.

David Hale said the purpose of the basin is defeated when the bottom is filled with grass.

Paula Alder said the basin in Quail Cove is different than other basins in the City because the bottom of the basin is visible from the road.

Letter of Interest on being appointed to Arts Council

Larry Haugen and **Paula Alder** will interview applicants for the Arts Council Board and Leisure Services.

Award of Contract Bid for Signalization at Park Lane/Clark Lane and 1100 West Intersection

Max Forbush gave the Council Members a Bid Tabulation for the Clark Lane and 1100 West Intersection Design. He reviewed the bid summary for Hidden Peak and Staker Parsons. The low bid was from Hidden Peak for \$346,497.44. The project was considered after a fatality occurred at the intersection. Shortly thereafter, the City issued bonds that could be reimbursed through tax increment. The City Engineer recommended that the bid not be awarded until it has been verified that the design was done correctly.

Mayor Harbertson asked if the project should be delayed until it has been determined what the adjacent property owner plans to do with his property.

Max Forbush said development may not occur on the property adjacent to the intersection. If the signalization needs to be moved, only about half of the cost of the improvements could be used at a new location. He will receive additional information at a meeting that will be held on May 19, 2006.

Blue Star Salute

Max Forbush invited the Council Members and their spouses to attend the “Blue Star Salute” on May 20, 2006, at 6:30 P.M. The Salute will honor the families of 16 fighting men and women of our Nations military.

ITEMS OF GENERAL CORRESPONDENCE

COBRA Insurance Coverage

The Council discussed **Mayor Connor’s** request to continue on the City’s COBRA health insurance plan beyond the normal 18-month period.

David Hale said he was concerned that if past-employees stay on COBRA indefinitely, the insurance pool will adversely impact the City’s coverage. He feared it could be considered rate discrimination.

The Council requested that City Staff further research the issue to determine whether offering extended COBRA coverage will expose the City to adverse claims.

Certificate of Achievement for Excellence in Financial Reporting

Mayor Harbertson announced that **Keith Johnson** will be receive an Award of Financial Reporting Achievement (AFRA) for being the individual who is primarily responsible for the City having earned the Certificate of Achievement for Excellence in Financial Reporting.

CLOSED MEETING

Larry Haugen moved that the City Council adjourn to a closed meeting at 8:45 P.M. to discuss strategy as it relates to pending litigation. **Rick Dutson** seconded the motion, which passed by unanimous vote.

The Council reconvened into an open meeting at 9:00 p.m., upon motion by **Sid Young** and seconded by **Rick Dutson**.

A motion was then made by **Rick Dutson** directing staff to have a letter sent by URMMA to Jill Buckmiller denying her claim for damages as per a traffic accident on Park Lane. The motion was seconded by **Larry Haugen** and passed with all Council Members voting in favor.

CONTINUATION OF BUDGET WORK SESSION

The remainder of the meeting was devoted to working on the City's budget for fiscal year ending June 30, 2007.

ADJOURNMENT

Margy Lomax, City Recorder
Farmington City